

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

UNITED STATES OF AMERICA)	
)	
)	Criminal Case # 4:18-cr-00012
V.)	
)	
DASHAWN ANTHONY et al.)	

**GOVERNMENT’S RESPONSE TO DEFENDANTS’
MOTIONS TO SUSPEND PRE-TRIAL DEADLINES**

The United States, by counsel, submits this Response to Defendants Terry and Allen’s Motions to Suspend the Pre-Trial Scheduling Order. (ECF Nos. 471 & 472). Defendants Terry and Allen request that the Court suspend the deadlines for pre-trial motions due to the Government’s production of state grand jury transcripts after the April 1, 2019 discovery deadline.

The Government produced fifteen state grand jury transcripts to discovery counsel between October 18 and October 29, 2019. A sixteenth transcript is being produced on October 30, 2019. The import of the first fifteen state grand jury transcripts has been thoroughly litigated in a related case, *United States v. Marcus Davis*, Case No. 4:18-cr-00011.¹ After a review of those transcripts in *Davis*, this Court found that “the bulk of the information produced was immaterial, cumulative, and speculative and was not prejudicial to the defendants.” Mem. Op. at 15 (Oct. 24, 2019) (ECF No. 1031). Moreover, in *Davis*, the Government produced the state grand jury transcripts after trial had begun. Here, the transcripts were produced more than two months before trial. If the *Davis* Defendants suffered no prejudice, there can certainly be none here.

¹ The Defendants in *Davis* informed the Court that they learned of the state grand jury transcripts from counsel for Defendant Terry.

That said, the Government does not oppose a short extension of the deadlines in this case to allow Defendants to review the state grand jury transcripts and incorporate them into their pre-trial filings. In addition, as the Court is aware, the Government is currently trying the *Davis* case. In order to allow counsel to focus on that trial, the Government also requests a short extension of the pre-trial deadlines. The Government proposes to extend the existing deadlines by approximately two weeks. This proposal would alter the existing deadlines from the Third Amended Pre-trial Order as follows:

Pleading	Current Deadline	New Deadline
Defendants' Objections to Government Trial Exhibits	Oct. 25, 2019	Nov. 8, 2019
Government Response to Defendants' Objections to Government Trial Exhibits	Nov. 8, 2019	Nov. 22, 2019
Government Jury Instructions and Verdict Form	Nov. 22, 2019	Dec. 6, 2019
Motions in Limine	Nov. 29, 2019	Dec. 13, 2019
Defendant's Objections to Government Jury Instructions and Verdict Form	Dec. 13, 2019	Dec. 27, 2019
Responses to Motions in Limine	Dec. 13, 2019	Dec. 27, 2019

In light of this revised schedule, the Government also proposes that the Court should address objections to trial exhibits at the December 20, 2019 pre-trial hearing and address motions in limine during the January 3, 2020 final pre-trial conference.

Respectfully submitted,

THOMAS T. CULLEN
United States Attorney

s/ Michael A. Baudinet
Michael A. Baudinet
Assistant United States Attorney
VA Bar No. 83633

United States Attorney's Office
P.O. Box 1709
Roanoke, VA 24008
TEL (540) 857-2250
FAX (540) 857-2614
michael.baudinet@usdoj.gov

Heather L. Carlton
Ronald M. Huber
Assistant United States Attorneys
United States Attorney's Office
255 West Main Street
Charlottesville, Virginia 22902
Tel: (434) 293-4283
Fax: (434) 293-4910
heather.carlton@usdoj.gov
ron.huber@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2019, I electronically filed the Response to Motions to Extend Pre-Trial Deadlines with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

s/ Michael A. Baudinet
Assistant United States Attorney
VSB # 83633